

AMENDMENTS TO THE DRAWINGS

In this response, Fig 3 is amended to demonstrate where the claimed cover portion, that is configured for an operator to rest a palm of a hand thereon so that the palm is ergonomically supported, and the finger(s) of the hand are free to engage the movable part of the trackball, in fact is. As will be appreciated, this structure was always shown and that the drawing amendment merely demonstrates where the structure which was already illustrated, is to be found.

Reconsideration of this objection is requested.

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim Status/Amendments.

In this response, claim 1 is amended to clarify the subject matter for which patent protection is sought and claim 17 is cancelled. Claims 1-5, 7-9, 11-14, 16 and 18-19 remain pending in the application.

Drawing Amendments

As noted above, the amendment to Fig. 3 is merely to show where the claimed structure which is alleged to need illustration, was already illustrated.

Claim Rejections- 35 USC § 103

The rejection of claims 1-5, 7-9, and 11-13 under 35 USC 103(a) as being unpatentable over Tada et al. (US Patent 2002/0109674) in view of newly cited Adams et al. (US 6, 429,852) is respectfully traversed.

In this response, the claims have been amended to call for the window (5) to be directly fixed to the cover (2). It is submitted that this is well illustrated in the different figures of the application. This added characteristic limits the interfaces between the different mechanical parts of the device. These interfaces increase accessibility from the exterior of the device. This reduction in interfaces limits introduction of foreign soiling particles into the device.

It is submitted that this characteristic doesn't appear in the cited documents. For example in Tada, the window is not fixed on the cover 6. The window 8 is just maintained by the ball cover 7. To maintain clearance between the window 8 and the ball 2, a second clearance is mandatory between the window 8 and the ball cover 7. See Fig. 1 of Tada.

In Tada, a third clearance exists between the ball cover 7 and the case cover 6. Through these three clearances, foreign particles can enter into the interior of the track ball. By contrast, in the claimed invention, only two clearances exist: between the window and the ball and between the window and the cover. Furthermore, in Tada, three parts exist: the window, the ball cover 7 and the case cover 6. By contrast, in the claimed arrangement, only two mechanical parts are necessary: the window and the cover. Our device is simpler than the Tada device.

As to the citation of Adams et al., it must be appreciated that the Tada et al. arrangement is directed to situations such as the decks of boats and the like where water contamination is fully expected. Indeed, the degree to which this device is expected to be exposed to water is such that a drain is clearly and deliberately provided. Note the provision of the drain pipe 32 and the disclosure at paragraphs [0035] and [0036] of Tada et al. It is submitted that such a provision is not lightly made.

Also note the provision of holes 36a and 36b at the corner of the Tada et al. housing. These holes at the diagonal corners are provided to allow the device to be fastened to some piece of equipment or part of a boat deck or the like. This should be compared with the free moving mouse-like arrangement that is found in Adams et al.

Therefore, the application of Adams et al. is not seen as being particularly relevant and would not be particularly considered for use with the structure disclosed in Tada et al. Indeed, it seems hardly likely that the Adams et al. arrangement would be designed tolerate the ingress of water let alone to permit water to enter and to be drained.

The tenor of the Tada et al. disclosure is that the relatively sophisticated multiple track-ball, scroll wheel and the like are not of interest in the environment that the Tada et al. structure is engineered to be used. Accordingly, the palm support disclosure which is found in the Adams et al. reference would not be particularly considered for use with the Tada et al. arrangement.

The rejection of the pending claims is traversed for at least this reasons set forth above.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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